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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,547	01/27/2006	Klaus Eberhard Meinecke	DE030273US1	6153
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EXAMINER				
RALEIGH, DONALD L				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/566,547

**Applicant(s)**

MEINECKE, KLAUS EBERHARD

**Examiner**

DONALD L. RALEIGH

**Art Unit**

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-16 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Amendment, filed on June 13, 2008 has been entered and acknowledged by the Examiner.

Cancellation of claims 1 and 6 has been entered.

The addition of claims 9-16 has been entered.

Claims 2-5 and 7-16 are pending in the instant application.

### ***Claim Objections***

Claims 7-10 are objected to because their preamble indicates the claims are dependent upon a method as claimed in base claim 13, however claim 13 is a device claim and not a method claim, as such, dependent claims 7-10 will be examined as device claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 2-5, 8, 11-12 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Dulmen et al (US Patent No. 5,235,498).**

**Regarding Claim 11**, Van Dulmen discloses, at least in Figure 4, a lamp comprising: a lamp base (13), a burner (11) with a burner element (12) fixed to the base

(13)(Column 6, line 48 (fixation means)), and a plurality of non-movable reference elements (17,18,19 and 23) having fixed, non-uniform sizes and coupled with the base (13) for positioning the burner, the non-uniformity of the reference elements being customized to achieve a desired alignment of a beam of light from the burner relative to a portion of the lamp (Column 4, lines 18-27). Elements 17,18 and 19 align the bulb to the base (Column 5, lines 23-30) and element (23) lines the base with the reflector (Column 4, lines 25-27). Both alignments are necessary for a proper alignment of a beam of light from the burner.

**Regarding Claim 2**, Van Dulmen discloses, at least in Figure 4, a lamp wherein the burner (11) is fastened in the lamp base (13) by means of adhesion (Column 3, lines 30-32).

**Regarding Claim 3**, Van Dulmen discloses, at least in Figure 4, a lamp wherein the burner element (11) is a discharge vessel in which a gas discharge can be excited between two electrodes(12) (Column 5, lines 10-14).

**Regarding Claim 4**, Van Dulmen discloses a lamp wherein the lamp base (13) comprises a flange (21) from which the position reference elements (17,18,19 and 23) project.

**Regarding Claim 5**, Van Dulmen discloses, at least in Figures 4 and 7, a headlight (Column 1, lines 30-31) with a lamp (11) and a reflector (32) wherein the lamp is mounted to the reflector (see Figure 7) such that the burner element is inside the reflector, and wherein the lamp is positioned with reference to the reflector through contact at least with contact surfaces of the position reference element (23). Column 4, lines 25-27, the reference element (23) catches a stop on the reflector and figure 4 suggests that the reference elements (17,18 and 19) will also be in contact with the reflector.

**Regarding Claim 8**, Van Dulmen discloses a method wherein the burner/base assembly comprises a burner is indetachably fastened (fixed) in a lamp base without alignment possibility, (Column 3 lines 30-32, cemented).

**Regarding Claim 12**, Van Dulmen discloses, in Figure 7, the lamp wherein the portion comprises a reflector (32) and the reference elements (17,18,19 and 23) comprise protrusions relative to the base toward a direction of the burner (see the figure), the protrusions comprising contact surfaces for engaging the reflector around the burner at a position suitable for achieving the desired alignment (17,18 and 19 contact reflector in Figure 7 and element 23 catches a stop on the reflector, Column 4, lines 25-27).

**Regarding Claim 14**, Van Dulmen discloses a method for manufacturing a lamp comprising providing a burner/base (11,13) assembly including a plurality of non-moving reference elements (17,18,19 and 23) for positioning the assembly; and customizing the reference elements to respective fixed, non-uniform sizes (17,18 and 19 are protrusions, 23 is a flat edge stop), responsive to a desired alignment of a light beam emerging from the assembly (Column 4, lines 1-3 and 25-27).

**Regarding Claim 15**, Van Dulmen discloses in Figure 7, the method further comprising engaging a reflector (32) with contact surfaces of the customized reference elements (17,18,19 and 23), and around a burner portion of the burner/base assembly, to achieve the desired alignment (Column 4, lines 25-27).

**Regarding Claim 16**, Van Dulmen discloses, in Figure 6, the lamp wherein customizing comprises making at least one of the reference elements shorter than another of the reference elements. Another set of reference elements are shown in Figure 6 protruding from the bottom of element (61) and terminating in the contacts (54). One of these reference elements is shorter than the other.

**Claims 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilhelm (DE 3137 491 A1).**

**Regarding Claim 11**, Wilhelm discloses, at least in Figures 1, 2 and 5, a lamp comprising: a lamp base (13), a burner (1) with a burner element (5) fixed to the base

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(13)(The burner is fixed to the base (13) by pressing reference elements (17) into slots (16) of the lamp as shown in Figure 2 and Page 5, Paragraph 3), and a plurality of non-movable reference elements (17) having fixed, non-uniform sizes (Figure 5 shows four reference elements (17) two of which are shorter than the other) and coupled with the base (13) for positioning the burner (Page 5, Paragraph 3 describes this process), the non-uniformity of the reference elements being customized to achieve a desired alignment of a beam of light from the burner relative to a portion of the lamp.(Page 5, Paragraph 3).

**Regarding Claim 13**, Wilhelm discloses, at least in Figure 5, the lamp (1) wherein at least one of the reference elements (17) is customized to be shorter than another of the reference elements.(As shown in figure 5, the reference elements (17) consist of four elements, two of which are shorter than the rest and they are part of element (13) which is attached to the reflector (12). These reference elements (17) go into slots (16) as shown in Figure 2 and fix the lamp to the base (13) by pressing for alignment of the lamp in the reflector. Page 5, Paragraph 3 describes this process and line 1 teaches its use as a headlight. Wilhelm uses this arrangement to place the lamp in proper alignment in the reflector in a simple manner (Page 2, first paragraph).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dulmen (498) in view of Bellows et al (US Patent No. 5,299,100).**

**Regarding Claims 7 and 9**, Van Dulmen fails to exemplify a method wherein contact surfaces at the position reference elements are formed by a bulk removing treatment.

Bellows teaches grinding (milling) the exterior locators (position reference elements) to a reference level for proper alignment of the automotive lamp, (Column 1, lines 11-19).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the milling treatment, as taught by Bellows, in the lamp of Van Dulmen in order to achieve proper alignment for the automobile lamp.

**Regarding Claim 10**, the claim is directed to a method of manufacturing which is not germane to the issue of patentability of the device claim 13, on which it depends.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2-5 and 7-8 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

Applicant's amendment of the claims to include non-uniform reference elements has necessitated a new search and new prior art references, therefore:

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DONALD L. RALEIGH** whose telephone number is (571)270-3407. The examiner can normally be reached on Monday-Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Donald L Raleigh/  
Examiner, Art Unit 2879

/Mariceli Santiago/  
Primary Examiner, Art Unit 2879